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FM AMEMBASSY TIRANA

TO RUEHC/SECSTATE WASHDC PRIORITY 7751

INFO RUEHDL/EUROPEAN POLITICAL COLLECTIVE PRIORITY

RUEHNO/USMISSION USNATO PRIORITY 3541

RUEAIIA/CIA WASHDC PRIORITY

RUEHVEN/USMISSION USOSCE PRIORITY 2433

RHEFDIA/DIA WASHINGTON DC PRIORITY

RUCNDT/USMISSION USUN NEW YORK PRIORITY 0782

RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY

RUEKJCS/SECDEF WASHINGTON DC PRIORITY

C O N F I D E N T I A L TIRANA 000018

SIPDIS

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TAGS: KJUS KDEM PREL PGOV PHUM AL

SUBJECT: PRESIDENT TOPI LEANING AGAINST VETO OF LUSTRATION LAW

REF: A. 08 TIRANA 899

1B. TIRANA 9

Classified By: Charge d'Affaires Stephen A. Cristina, reasons 1.4 (b) a nd (d)

11. (C) SUMMARY: During a January 12 meeting with Charge d'Affaires, President Topi signaled clearly that he will not veto the Lustration Law. Instead, he told Charge that he will almost certainly sit on the bill until the twenty-day review period expires on January 14, thereby passively allowing the bill to become law (ref a). Acknowledging the bill's many flaws, President Topi walked through his thinking on the decision not to veto the bill, explaining that a veto would do nothing to stop its implementation, while opening him up to "a frontal political assault" from Prime Minister Berisha (ref b). Topi said he expects the law to be challenged immediately in front of the Constitutional Court by a number of NGOs and political parties, an action he said will lead to the law's suspension until the Court can rule. END SUMMARY.

12. (C) At President Topi's request, Charge met with the President at Topi's Tirana private residence to discuss the Lustration Law. Topi told Charge that after meeting with numerous legal experts, judges and representatives of former victims of communist persecution, Topi was leaning strongly against a veto of the Lustration Law. Topi acknowledged that the law as drafted threatens the constitution, but said that sending the bill back to Parliament for revisions would do nothing to stop the bill from becoming law (Parliament would need only a simple majority vote to override Topi's veto) and would open Topi up to "savage political attacks" at the hands of Prime Minister Berisha and his allies. Topi said that the only way for him to survive politically while still signaling his opposition to the law would be to sit on the draft until the end of the review period, thereby passively allowing it to become law.

13. (C) Topi said that numerous NGOs and political parties had prepared legal challenges to the Lustration Law and that these motions would be filed with the Constitutional Court immediately following the passage of the law. Topi said the law would go into suspension pending a decision by the Constitutional Court.

14. (C) COMMENT: Topi said that representatives of former victims of the Albanian communist regime - a key political constituency for Topi - unanimously urged Topi not to reject outright the Lustration Law, claiming that to do so would be politically devastating for him. As in his previous meeting with Charge (ref b), Topi said numerous times that rejecting the law would in the end do nothing to stop its

implementation. Instead, Topi believes that a veto of the law would cause Prime Minister Berisha and his allies to launch unrelenting political and even physically violent attacks (including demonstrators brought in to throw rocks at Topi's office) against Topi. As a result, Topi clearly hopes that the considerable political and civil society opposition to the bill will lead to a Constitutional Court ruling against it.

CRISTINA